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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,166	03/24/2004	Gregory J. Singerle JR.	048556/274149	4837
826 7590 01/21/2009 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000				
EXAMINER RUBIN, BLAKE J				
ART UNIT 2457		PAPER NUMBER		
MAIL DATE 01/21/2009		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Interview Summary

**Application No.**

10/808,166

**Applicant(s)**

SINGERLE, GREGORY J.

**Examiner**

BLAKE RUBIN

**Art Unit**

2457

All participants (applicant, applicant's representative, PTO personnel):

(1) BLAKE RUBIN.(3) ANDREW SPENCE.(2) LaSHONDA JACOBS.

(4) \_\_\_\_.

Date of Interview: 15 January 2009.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.  
If Yes, brief description: \_\_\_\_.

Claim(s) discussed: 1.

Identification of prior art discussed: Gardner.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant inquired as to the appropriateness of the first action final, and the examiner explained that such a response was a result of the examiner applying the current art of record, Gardner, to reject the newly amended claims. Applicant further provided his opinion as to why the Gardner reference failed to anticipate the claims, as written, while the examiner maintained that Gardner fully anticipated the claims as written.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/LaShonda T Jacobs/  
Primary Examiner, Art Unit 2457